

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Bradley P. MORGAN et al.)	Group Art Unit: 1625
)	
Application No.: 10/541,596)	Examiner: Nizal S. CHANDRAKUMAR
)	
Filed: April 25, 2006)	
)	Confirmation No.: 2514
For: COMPOUNDS, COMPOSITIONS,)	
AND METHODS)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Assignee, **Cytokinetics, Inc.**, duly organized under the laws of Delaware and having its principal place of business at 280 East Grand Avenue, South San Francisco, CA 94080, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, U.S. Patent Application No. 10/541,596, filed April 25, 2006, for COMPOUNDS, COMPOSITIONS, AND METHODS, in the names of Bradley Paul MORGAN, Kathleen A. ELIAS, Erica Anne KRAYNACK, Pu-Ping LU, Fady MALIK, Alex MUCI, Xiangping QIAN, Whitney Walter SMITH, Todd TOCHIMOTO, Adam Lewis TOMASI, and David J. MORGANS, Jr., as indicated by an Assignment duly recorded in the United States Patent and Trademark Office at Reel 017518, Frame 0081, on April 24, 2006. Assignee, **Cytokinetics, Inc.**, further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent Application No. 10/890,829 filed July 14, 2004, for COMPOUNDS, COMPOSITIONS, AND METHODS,

in the names of Bradley Paul MORGAN, Kathleen A. ELIAS, Erica Anne KRAYNACK, Pu-Ping LU, Fady MALIK, Alex MUCI, Xiangping QIAN, Whitney Walter SMITH, Todd TOCHIMOTO, Adam Lewis TOMASI, and David J. MORGANS, Jr., as indicated by an Assignment duly recorded in the United States Patent and Trademark Office at Reel 015976, Frame 0281, on March 30, 2005.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Application No. 10/890,829. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination

certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), please charge the required fee of \$130.00 to Deposit Account No. 06-0916.


If there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Date: November 30, 2007

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